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**EX PARTE OR LATE FILED
Congress of the United States
House of Representatives**

December 10, 2004

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Federal Communications Commission
Office of the Secretary

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Powell:

I am writing in regard to the Federal Communications Commission's (the "Commission") efforts to revise the rules for the spectrum allocated for air-to-ground communications for commercial airline passengers. Today, those who fly on our nation's airlines only have access to a single provider's narrowband air-to-ground service. Such a narrowband service is out of pace with the tremendous array of broadband voice and data services upon which many of those who fly have come to otherwise enjoy and rely in their lives on the ground. Moreover, the current air-to-ground service is priced at a level that, I believe, is out of step with pricing in wireless services provided to consumers on the ground, where there is competition amongst various providers.

The flying public deserves access to high quality broadband air-to-ground service at the lowest possible cost. Therefore, I believe that the Commission not only must promote broadband air-to-ground service, but also must enable competition in the air-to-ground marketplace in order to ensure such service is provided at the lowest possible cost. While competition in the provision of narrowband air-to-ground services did not take shape as originally envisioned by the Commission, I believe that competition in the broadband air-to-ground market has a much greater likelihood of success.

In addition, I would urge the Commission to reject any changes to the current air-to-ground service rules that would permit the provision of ancillary services with air-to-ground service. I believe the potential for

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harmful interference from ancillary services to other bands is too great to warrant such a policy at the current time.

Finally, as I understand it, the Commission will soon begin its consideration of whether there are technical solutions to permit passengers to use their own wireless devices on airplanes without interfering with airplane navigational devices. I believe many consumers would welcome the ability to use their own wireless devices on airplanes if possible, so I urge the Commission to do all that it can to expeditiously determine whether there is a way to permit such use without causing interference with airplane navigational devices.

Thank you for your consideration of my views.

Very truly yours,

A handwritten signature in black ink, appearing to read "Fred Upton", written in a cursive style.

Fred Upton

Chairman

House Energy and Commerce

Subcommittee on Telecommunications
and the Internet